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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ALLEN ANDERSEN; NEXLEVEL
NETWORK, LLC; JESSICA
ZIMMERMAN; ROBERT GURNEY; AMY
HODGSON; and JOHN DOES 1-99

Plaintiff,

v.

STATE OF UTAH; UTAH DEPARTMENT
OF HEALTH AND HUMAN SERVICES; et
al.

Defendants.

**PLAINTIFFS' REQUEST FOR
SCHEDULING CONFERENCE**

Case No. 1:16-cv-00005

Judge Clark Waddoups
Magistrate Judge Dustin B. Pead

Plaintiffs, by and through counsel, hereby submit their Request for Status/Scheduling Conference, to address the issues stated herein:

1. The matter was filed in early January 5, 2016.
2. On January 22nd and 25th this Court held an evidentiary hearing on Plaintiffs' motion for a preliminary injunction.
3. On January 26th, the Court denied the motion.

4. Thereafter, Allen Andersen and I met with state attorneys and the Department of Human Services regulators where we expressed our concerns regarding specifics of the regulations.

5. After a few meetings and exchanges of information, some of the regulations were modified.

6. Allen Andersen is a manager of Safe Sober Living, LLC. Safe Sober Living, LLC and Nxlevel Network are related.

7. Safe Sober Living has since attempted to comply with those regulations. It has state approval to operate several recovery residences, subject to the municipal approval.

8. In November 2017, Sober Living Homes, LLC filed applications for business licenses to operate six sober living homes in Sandy, Utah.

9. On October 16, 2018, Sober Living Homes filed a new federal court action against Sandy City in which it alleges that the city has violated its rights in that process. A separate motion addresses whether the cases should be consolidated.

10. Since the preliminary injunction ruling, I have communicated primarily with attorney Jody Burnett, Sandy City, and attorney general Kyle Kaiser.

11. Plaintiff Nxlevel Network no longer operates sober living homes in Draper, West Jordan, West Valley and Riverdale.

12. Over the course of the past six months, Mr. Kaiser and I have discussed a variety of ways to move forward on the matter, including most recently a consideration on our part to simply dismiss this case, since the State has already modified many of the regulations which are the subject of this case.

13. In light of these issues, I respectfully request that the Court schedule a short status conference. I anticipate being authorized to dismiss the municipal defendants, with the exception of Sandy City. I will also advise the Court of our intended approach with respect to the state of Utah. There may be one or two issues that we would like the court to address, including the validity of the state licensing fee.

REQUESTED RELIEF

For the foregoing reasons, Plaintiffs respectfully request the Court schedule a status conference.

DATED: October 28, 2018.

TED MCBRIDE LAW OFFICES

/S/ Ted McBride
Edward W. McBride, Jr.
Attorney for Plaintiffs